IN THE HIGH COURT OF JUDICATURE AT PATNA

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CR. WJC No.823 of 2008

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SARSWATI DEVI D/O NIFIKIR PATEL AND W/O BABULAL PATEL, RESIDENT OF VILLAGE MASAHI, POLICE STATION – GAUNAHA, DISTRICT – WEST CHAMPARAN -------- PETITIONER

-Versus-

1. STATE OF BIHAR THROUGH D.G.P., BIHAR, PATNA
2. THE D.I.G. CHAMPARAN CIRCLE, BETTIAH
3. SUPERINTENDENT OF POLICE, DISTRICT -WEST CHAMPARAN, BETTIAH
4. INSPECTOR OF POLICE SAHODRA, POLICE STATION NARKATIAGANJ, DISTRICT – WEST CHAMPARAN
5. OFFICER-IN-CHARGE, POLICE STATION NARKATIAGANJ, DISTRICT – WEST CHAMPARAN

------ RESPONDENTS IST SET

6. BINOD GIRI, RESIDENT OF VILLAGE MASAHI, POLICE STATION, GAUNAHA, DISTRICT – WEST CHAMPARAN
7. DHUNMUN GIRI, RESIDENT OF VILLAGE BALUA POLICE STATION SAHODRA, DISTRICT – WEST CHAMPARAN
8. UDAI BAHADUR RAI, RESIDENT OF VILLAGE BALUA, POLICE STATION SAHODRA, DISTRICT – WEST CHAMPARAN
9. MINKU SINGH SON OF UDAI BAHADUR RAI, RESIDENT OF VILLAGE BALUA, POLICE STATION SAHODRA, DISTRICT – WEST CHAMPARAN

------ RESPONDENTS 2ND SET.

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For the petitioner: Mr. Abitabh Kumar, Advocate
For the respondents : Mr. A. Amanullah, S.C. XVII
Mr. J.G. Khan, JC to SC - XVII

P R E S E N T

Hon'ble the Chief Justice
And
Hon'ble Mr. Justice Kishore K. Mandal

Dated, the 20th November, 2008

By means of this habeas corpus petition, the petitioner - Sarswati Devi has prayed for a direction to the police authorities to recover her minor daughter – Barsati Kumari and give her custody to her. On the basis of the First Information Report, P.S. Case no.19 of 2007 has been registered against (1) Binod Giri; (2) Dhunmun Giri; (3) Udai Bahadur Rai; (4) Minku Singh for the offences punishable under sections 370/371/34. We need not go into the details of the criminal case. Suffice it to say that the accused persons have been released on bail.

2. Ashok Kumar, Sub-Inspector, Shahodra Police Station, District – West Champaran, has produced the victim girl Barsati Kumari before us. We are informed that the girl has been traced at Prayas Bharti Trust, Krishna Apartment, Boring Road, Patna. The girl appears to be hardly 8-9 years of age. The petitioner – Sarswati Devi is present before us. He is identified by her Advocate Mr. Abitabh Kumar. This is also confirmed by Ashok Kumar, Sub-Inspector,.

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3. We, accordingly, dispose of the habeas corpus petition by the following order:

i) The custody of Barsati Kumari may be handed over to the petitioner – Sarswati Devi forthwith.

ii) The concerned police authorities shall ensure that the petitioner - Sarswati Devi or her daughter – Barsati Kumari are not

harassed or put to any threat of any nature whatsoever by respondent nos. 6 to 9.

4. We order accordingly.

R. M. Lodha, CJ.

Kishore K. Mandal, J.

Neyaz/-

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